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PTO/SB/64 (01-08)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: RON LANE (RONALD S. LANE)
Application No.: 10/605,663 Art Unit: 3632
Filed: OCT 16, 2003 Examiner: GWENDOLYN BAXTER
Title: BOOKSTAND THAT FOLDS THIN ENOUGH TO SERVE
AS A BOOKMARK

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 770 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

- ☐ has been filed previously on _____
☐ is enclosed herewith.

03/14/2008 CNEGA1 00000049 10605663

B. The issue fee and publication fee (if applicable) of \$ _____ 01 FC:2453

- ☐ has been paid previously on _____
☐ is enclosed herewith.

770.00 DP

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This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Ronald S. Lane
Signature

March 13, 2008
Date

RONALD S. LANE
Typed or printed name

Registration Number, if applicable

2 KAKIAT LANE
Address

845-642-8426
Telephone Number

SPRING VALLEY, NY 10977
Address

Enclosures: ☒ Fee Payment

☒ Reply

☒ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date

Ronald S. Lane
Signature

RONALD S. LANE

Typed or printed name of person signing certificate



March 12, 2008
Ron Lane
2 Kakiat Lane
Spring Valley, NY 10977

**Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313**

Application to Revive Patent Application Because of an Unintentional Abandonment

On October 16, 2003, I began the process of applying for a patent for an invention called "Bookstand that Folds Thin Enough to Serve as a Bookmark", or "Thinstand" for short. It was assigned Application/Control number 10/605,663.

I could not afford to go through a patent lawyer, and I was told that I had an option to proceed "pro se" (on my own) which I did. I was assigned patent examiner Gwendolyn Baxter. Ms. Baxter informed me that, unfortunately, her father was dying. This resulted in considerable delays. She rarely returned my phone calls, and this made it very difficult to proceed. But in time, I wrote the disclosure, and I asked her to write the claim, which she did.

There were a few office actions in which she informed me of things that needed fixing in the application. For example, on September 12, 2005 she informed me in an office action that certain numbers in the diagrams had to be changed. I responded on November 16, 2005 with the numbers fixed.

On around February 1, 2006, I got another office action with a list of things that still needed fixing. She did not return my phone calls. I was able to get to another examiner in the same general area of patents, Bob Oshinsky, who graciously helped me go through her office action. With Bob's help, I fixed all the points she had made, and responded on time by February 27, 2006.

Then I got an office action from Ms. Baxter on May 4, 2006, saying that my application was still not right, and that as a result, my application was considered abandoned.

I was thunderstruck. I called her, and was able to reach her (her father had passed away), and she said that it was considered abandoned because on September 12 she had – without informing me in a way that I could see – set a 6 month deadline for having the patent process completed. I called Bob Oshinsky to verify this, and he admitted that this deadline for abandonment was also something that had also escaped his attention. Also, the thing that Ms. Baxter was pointing out that needed fixing was something that she had not pointed out before.

I have a lot of hope on this invention, and was extremely disappointed. I recently found out that I can apply to have the patent process re-instated, by applying to you on the basis that the application was abandoned unintentionally. Simply I couldn't have intentionally abandoned it for two reasons:

- I had not known that the 6 month clock for abandonment had started September 12.
- The thing that she pointed out needed fixing was something that she had never mentioned before, either verbally or in a previous office action

I had responded to each office action in a timely manner. The item she cited in the final office action referred to a 'mistake' that she had never mentioned in a previous office action.

That this application was unintentionally abandoned is certainly the case. If I could have avoided abandoning the application, I certainly would have. I responded to each office action quickly and on time. She was so unhelpful and in-accessible in her dealings with me (unfortunately because she was preoccupied with her sick father). As a result, the application was unintentionally abandoned.

Therefore, I implore you to let the application for the Thinstand be revived and continue, so that I can see it to completion. This is very important to me.

I need to work with someone who will explain to me what needs to be fixed, so I can do what is required to have the patent process resume and be completed.

I include the fee of \$770 that I am told is needed to have you consider this application.

In summary, I certainly was trying to avoid having the patent be abandoned, and I responded to each office action I received from her in a timely manner. I was rarely able to reach her by phone, and she rarely returned my phone calls. The result was that I could not avoid having the application abandoned.

I fall under the category of a small entity.

I thank you for your time and attention.

Sincerely,



Ron Lane
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845-642-8426

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